

RAY E. DILLMAN
LAWYER
ROOSEVELT, UTAH

May 20th 1940

Mr. T. H. Humphreys
State Engineer
Salt Lake City, Utah

Dear Mr. Humphreys:

A short time ago, the Sand Wash Irrigation Company wrote you relative to the appointment of a Commissioner for the regulation and distribution of the water of the Sand Wash. You answered that there seemed to be a majority of the users that were not favorable, and therefor the matter would be left as it is.

This company is the owner of certain prior rights on this stream, and naturally those who hold subsequent rights, but are so situate on the stream as to be physically able to get first division do not want any distribution. They benefit if they can take all of the water and thereby defeat the very purpose and intent of the law of prior appropriation.

We have made measurements and find there is about six second feet of water now running. That we have the right to seven before the other filings are available to divert water. That regardless of this there are five of these junior appropriators that are diverting practically all of the water.

There can be no prosecutions without some authority to make division, and then use that as a basis for prosecution.

We earnestly request the appointment of a commissioner for the division and distribution of this water from the Sand Wash. Mr. Robert Marchant, who has been a commissioner for you in this same situation will again act, if you appoint him. We urge his appointment, or that of someone else who is disinterested, and we urge that such action be taken at once, as delay is causing substantial damage to us.

Very truly yours,

Sand Wash Irrigation Company

by Archie Benson

